



MEMO ENCLOSED

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jdougher@law.nyc.gov**BY FACSIMILE**The Honorable James C. Francis IV
United States Magistrate Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street – Room 1960
New York, New York 10007-1312USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/22/08

February 21, 2008

Re: Abdell, et al. v. City of New York, et al., 05 CV 8453 (RJS) (JCF)
Adams, et al. v. City of New York, et al., 05 CV 9484 (RJS) (JCF)DOCKET
IN BOTH
CASES

Dear Judge Francis:

Defendants write regarding the continued depositions of certain plaintiffs in the captioned actions.¹ Defendants request that the Court extend the time in which they have to take the depositions of those plaintiffs up to March 31, 2008. Plaintiffs' counsel has consented to this extension request.

As an initial matter, defendants advise the Court that they have fully gathered non-RNC arrest records for plaintiffs Sakayama, Wood, Maddox, Goldberg, Rochfort and Zalk. Plaintiffs Sakayama and Goldberg are scheduled to be deposed in New York City on February 22, 2008 and February 27, 2008 respectively. The parties are making efforts to arrange for telephonic depositions and/or video conference depositions on or before February 29, 2008 for plaintiffs Wood, Maddox, Rochfort and Zalk but it is currently unclear that this will occur.

Defendants are still in the process of gathering complete sets of non-RNC arrest records for plaintiffs Burn, Codel, Colville and Zarella. Defendants will submit a letter under separate cover requesting that the Court sign subpoena duces tecum, which in connection with the

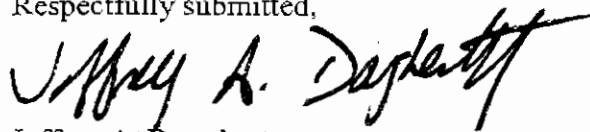
¹ Pursuant to Your Honor's 12/19/07 Order in the captioned actions plaintiffs Charles Goldberg, Daniel Burns, Rue Sakayama, Rebecca Wood, David Zalk, Mark Colville, Lambert Rochfort, David Maddox, Edward Codel, and Daniel Zarrella were required to appear for continued depositions regarding belatedly produced arrest information.

appropriate releases, should expedite the delivery of the arrest records defendants have not yet received.

Additionally, Your Honor recently entered an order that certain plaintiffs were to be deposed telephonically.² The parties will require additional time to make arrangements for the plaintiff, the court reporter and counsel to appear remotely. The parties are already in the process of making arrangements for the remote depositions of plaintiffs Maddox, Rochfort, Wood and Zalk who will be deposed either by telephone or video conferencing. Specifically, the parties must make arrangements to reserve conference rooms out of state for the plaintiffs to appear in San Francisco, Miami, Gainesville and Seattle. Furthermore, if these plaintiffs are deposed by video conferencing the AV technician at the SDNY must liaise with his/her counterpart in the appropriate sister Federal District Court to ensure proper connections will be established for the deposition. Considering the logistical planning involved, these depositions will not likely be completed by February 29, 2008. Nevertheless, the parties are committed to completing these depositions as expeditiously as possible.

Accordingly, the parties jointly request that they be permitted to complete the continued depositions of plaintiffs Daniel Burns, Edward Codel, Mark Colville, David Maddox, Lambert Rochfort, Rebecca Wood, David Zalk and Daniel Zarrella on or before March 31, 2008.

Respectfully submitted,


Jeffrey A. Dougherty

cc: Michael L. Spiegel, Esq.

2/22/08
Application granted.
SO ORDERED.
James C. Francis IV
USMJ

² See Your Honor's 2/14/08 Order in the captioned actions which permits plaintiffs Codel, Maddox, Rochfort, Wood and Zalk to appear remotely for their continued depositions.